



June 10, 2005

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 98-67 and CG Docket No. 03-123

Dear Ms. Dortch:

On February 7, 2005, Sprint filed a letter in the above-referenced dockets noting that the Consumer and Governmental Affairs Bureau's January 26, 2005 *Declaratory Ruling*¹ in these dockets "may implicate a promotion now being offered by Sprint Communications Company LP . . . [in which] TRS users are able to obtain free long distance service if they access the Sprint TRS center and select Sprint to provide their long distance service."² Sprint requested that the Bureau "clarify that its *Declaratory Ruling* does not affect the free long distance promotions being offered by Sprint in multi-vendor TRS states."³

MCI offers an incentive in which TRS users are able to obtain free interstate long distance service. Similar to Sprint, MCI requests that the Bureau clarify that the *Declaratory Ruling* does not affect the offering of free interstate long distance. The promotion addressed in the *Declaratory Ruling* is distinguishable from the incentives offered by MCI. The Commission found that the promotion addressed in the *Declaratory Ruling* provided TRS users with an incentive to make TRS calls that they might not otherwise have made (and thus generate reimbursable fees for the provider), because users were given points redeemable towards payment of their high-speed Internet access service for each minute of calls placed through the

¹ In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, CG Docket No. 03-123, *Declaratory Ruling*, DA 05-140, 20 FCC Rcd. 1466 (2005) ("*Declaratory Ruling*").

² In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, CG Docket No. 03-123, Letter from Michael B. Fingerhut, Sprint, to Thomas Chandler, Chief, Disabilities Rights Office, Consumer and Governmental Affairs Bureau dated February 7, 2005, p. 1 ("*Sprint Letter*").

³ *Id.* at 3.

provider.⁴ MCI provides no such incentive because TRS users receive no extra benefit beyond the price of the interstate long distance, which is part of the call itself and not otherwise of value. Unlike the promotion addressed in the *Declaratory Ruling*, users of MCI's service have nothing to gain by making unnecessary TRS calls. Thus, the Bureau should clarify that the *Declaratory Ruling* does not prohibit offering only free interstate long distance.

Nonetheless, for the sake of argument, if the Bureau issues a response to Sprint's letter in which it holds that incentives offering free interstate long distance are impermissible, the Commission should grant carriers currently offering such incentives an adequate period of time in which to come into compliance. For its part, MCI would request a period of forty-five days from the date of issuance of a response to Sprint's letter, in order to give MCI time to take any necessary administrative steps.

Thank you for your attention to this matter.

Sincerely,

/s/ John R. Delmore
John R. Delmore

cc: Thomas Chandler, Chief, Disabilities Rights Office, CGB
Jay Keithley, Deputy Chief, CGB

⁴ *Declaratory Ruling* at ¶¶ 7-8.